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Response Under 37 CFR 1.116
Expedited Procedure Examining
Group 1752

PATENT
0649-0804P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Itsuo FUJIWARA et al. Cont.: 5333
APPL. NO.: 09/960,328 Group: 1752
Filed: September 24, 2001 Examiner: Chea
For: PHOTOTHERMOGRAPHIC MATERIAL

DECLARATION UNDER 37 C.F.R. 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Yasuhiro YOSHIOKA, state as follows:

1. I am an inventor of the subject matter of the above-identified application.

2. I graduated from Tokyo University with a ~~Bachelor's~~ Master Degree in Chemistry from the Faculty of Science in 1980. I have been employed with Fuji Photo Film Co., Ltd. since April of 1980 and I am involved in research relating to ~~new couplers~~ black and white photothermographic material at the Ashigara Research Laboratories of Fuji Photo Film Co.

In order to demonstrate the unexpected effect asserted in the response to the prior Office Action (i.e., the remarkable effect obtained by using the oxazoline compound) filed November

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13, 2002, I have conducted the following experiments under my supervision and control.

I initially wanted to assert the effect obtained by using the claimed oxazoline compound as compared to the use of mercuric acetate as described in the working example of Hirabayashi. However, the Examiner should readily understand that I cannot currently conduct any experimentation using a mercury compound. Thus, I have tested the effect of the present invention with a sample without an oxazoline compound, another sample with an oxazoline compound within the scope of claim 1 and another sample with an oxazoline compound within the scope of claim 2.

The cited reference (Hirabayashi) is not equivalent to and does not suggest the present invention. Even if the description of Koyama (which is different in its technical field and in the effect of the oxazoline compound) is taken into consideration, the teachings thereof cannot be expected to improve the image storage storability by using an oxazoline compound in photothermographic materials.

The same procedure as in sample 101 of Example 1 of the present application (which is herein incorporated by reference) was performed except that the dispersion was prepared and added in

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the manner described below in order to prepare each of samples 1 to 5. The same evaluations as in Example 1 were conducted for the samples.

Dispersion A

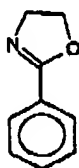
A slurry was prepared by adding and thoroughly mixing 35 g of water with 20 g of Compound A of the present invention, 40 g of 10% by weight aqueous solution of modified poly(vinyl alcohol) (Poval MP203 of Kuraray Co., Ltd.), and 5 g of 20% by weight aqueous solution of sodium triisopropyl naphtharenesulfonate. In a vessel of a 1/16 gallon sand grinder mill, the slurry was charged together with 240 g of zirconia beads having an average diameter of 0.5 mm, and dispersed at 1500 rpm for 15 hours. The beads were separated with a mesh, the dispersion was filtered through a filter with a pore size of 3 μ m. 20 % Dispersion A was obtained.

Compound B, C or D shown below was dispersed in the same manner as above to obtain Dispersion B, C or D, respectively.

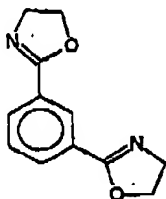
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The thus obtained results are shown in the following table.

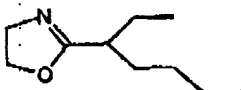
Sample No.	Oxazoline Compound	Coated Amount (g/m ²)	Dmin	ΔDmin	Remarks
1	-		0.17	0.36	Comparison
2	A	1.0	0.16	0.30	
3	B	1.0	0.16	0.23	Invention
4	C	1.0	0.18	0.29	
5	D	1.0	0.18	0.21	Invention



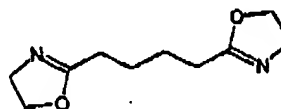
A



B



C



D

Accordingly, the present invention is unexpectedly superior to what is expected in the art.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 12, 2003

Date

SignatureYasuhiro Yoshioka

Yasuhiro YOSHIOKA

Title